

Virginia Pretrial Services Stakeholder Group

Meeting Summary

Date of Meeting: July 11, 2018, 9:30 a.m. – 12:00 p.m.

In Attendance:

Name	Agency
Jessica Ackerman	Virginia Municipal League
Vishal Agraharhher	American Civil Liberties Union
Janet Areson	Virginia Municipal League
Christina Arrington	Virginia State Crime Commission
Steven Austin	Prince William Office of Criminal Justice Services
Leon Baker	Virginia Department of Criminal Justice Services
Baron Blakely	Virginia Department of Criminal Justice Services
David Bourne	1-800-FOR-BAIL/Virginia Bail Association Legislative Chair
Andreas Brielmaier	Culpeper County Criminal Justice Services
Mason Byrd	Office of the Executive Secretary of the Supreme Court of Virginia
Keenan Caldwell	KC3 Consulting, LLC
Ross Carew	OAR/Jefferson Area Community Corrections
Jane Chambers	Commonwealth's Attorneys' Services Council
David Cotter	Department of Criminal Justice Services
Carrie Delaney	Virginia Beach Office of CC and PT Services
Robyn de Socio	Virginia State Compensation Board
Shannon Dion	Virginia Department of Criminal Justice Services
Michael Doucette	Virginia Association of Commonwealth's Attorneys
Colin L. Drabert	Virginia State Crime Commission
The Honorable Randal Duncan	Judge, 27th Judicial District of Virginia, General District Court
Bill Farrar	American Civil Liberties Union
Thomas Fitzpatrick	Virginia Department of Criminal Justice Services
Berni Foanres	Culpeper Sheriff's Office
Jody Fridley	Virginia Criminal Sentencing Commission
Meghan Gaulding	Virginia State Crime Commission
Jenny Glass	American Civil Liberties Union
Michelle Gowdy	Virginia Municipal League
Max Halbruner	Virginia Municipal League
Paula Harpster	Virginia Department of Criminal Justice Services
Jody Hess	Office of the Executive Secretary of the Supreme Court of Virginia
Nathan Hittle	Virginia State Crime Commission
Kristen Howard	Virginia State Crime Commission

Name	Agency
Jack Irvin	Virginia Department of Criminal Justice Services
Kari Jackson	Virginia State Compensation Board
John Jenkins	Culpeper Sheriff's Office
David Johnson	Indigent Defense Commission
Sharon Jones	Virginia Beach Office of CC and PT Services
The Honorable Colleen Killilea	Judge, 9th Judicial District of Virginia, General District Court
Chang Kwon	Virginia Criminal Sentencing Commission
David Malakouti	Office of the Attorney General
Stokes McCune	Henrico Bail Bonding/Former Virginia Bail Association President
Chris McDonald	Virginia Association of Counties
Andrew Molloy	Virginia Community Criminal Justice Association
Dorena Murray	Dee's Bail Bonds /Virginia Bail Association President
Elizabeth Murtagh	Public Defender's Office, Charlottesville/Albemarle
Meredith Farrar-Owens	Virginia Criminal Sentencing Commission
Glen Peterson	Virginia Department of Criminal Justice Services
Alison Powers	Indigent Defense Commission
Captain Tricia Powers	Virginia State Police
Elizabeth Rafferty	Williams Mullen
Kenneth Rose	Virginia Department of Criminal Justice Services
Barbara Rosenblatt	Public Defender's Office, City of Richmond
Darin Russell	Southwest Virginia Community Corrections
DeVon Simmons	Office of the Attorney General
Patricia Smith	OAR/Jefferson Area Community Corrections
Eileen Sprinkle	Newport News Sheriff's Office
The Honorable Tracy Thorne-Begland	Judge, 13th Judicial District of Virginia, General District Court
Andy Warriner	Virginia Department of Criminal Justice Services
Kristi Wright	Office of the Executive Secretary of the Supreme Court of Virginia
Shonda Whitfield	Newport News Sheriff's Office

I. Welcome and Introductions

Shannon Dion, Director of the Virginia Department of Criminal Justice Services (DCJS) and Kristen Howard, Executive Director of the Virginia State Crime Commission (VSCC) provided the welcome and introductions to the meeting.

II. Report Out for Workgroup C: Data and Outcomes

Staff from the Virginia State Crime Commission provided an update on the status of the data and outcomes project.

Purpose of Evaluation

- Determine whether failure to appear to court (FTA) and public safety rates vary among localities
- Determine if there is a valid and reliable approach to identify variances
- Create definitions
- Compare outcomes based on release mechanisms

Project

- Development of October 2017 Cohort (brought before magistrates in Oct 2017 and tracked until 8/31/18)
- Track outcomes (final disposition, FTA, new offenses)
- Using multiple datasets, all are locally entered, and were not designed for research purposes
 - Will make some recommendations for changes to assist future research capabilities
 - Office of the Executive Secretary (OES) E-mag, Virginia State Police (VSP), DCJS, Virginia Compensation Board (Comp Board)

Preliminary Findings

- 33,229 records resulting in 2,037 magistrate decision events in October 2017; 17,980 unique individuals
- Tracking initiating event; a probation violation in October will not result in the individual being tracked
- Tables 1-8: data related to the cohort including: outcomes, releases, bail amount, type of bail, length of stay

Limitations

- Only adult defendants, timeframe, in-state arrests only, variation among FTAs
- Local and regional jail comparisons dependent on LIDs data to be gathered from the Comp Board; will determine feasibility in the near future
- Definitions
 - Appearance rate

- FTA Rate (caveats, possible gap for contempt charges without Virginia Crime Code (VCC))
- Public Safety Rate (sub-measure of new violent offense)
- Success rates

Discussion

- Should we include violations for missing drug screening (not complying with pretrial conditions)? Might be over counting by including failure to appear to pretrial supervision.

Action Items

- Group members are to review and provide caveats, concerns, or questions to VSCC.

III. Report Out for Workgroup B: Pretrial Services Investigations and Resources

Staff from the Virginia Department of Criminal Justice Services provided an update on the status of Workgroup B.

Scope

- Ensure that all investigations of eligible defendants were complete and provided to the court
- Identifying staffing and resource needs
- Educate stakeholders
- Other topics: notification, etc.

Key topics and recommendations

- Mapping of Virginia pretrial services practices
 - Each decision point for pretrial services
 - What separate agencies are doing
- Value of core functions
- Training

Key findings

- Need to expand mapping

Core Functions

- Looked at the value of VPRAI, investigation reports, Praxis, screening tools
- VPRAI is helpful as a component the overall investigation report is the most important
- Overlap between VPRAI and bail determination form
- VPRAI needs updates in terms of how it is presented
 - Break out whether risk is due to FTA or new offense
 - Improve list of violent crimes (list needs to keep up with code)
 - Improve training and education about the tool

Training

- What currently exists and what is missing
- Should be helpful to stakeholders and not followed blindly
- Regional trainings for different disciplines; consistency

- Include stakeholders in conducting the training not just pretrial service professionals

Discussion

- Training to local bar associations or bench bar associations, not just defense
- More guidance about out of state crimes; how to match them to Virginia crimes
 - National level is trying to increase standardization for NCIC
- Risk to self, in addition to risk to community (overdose, etc.), should be included
- Training needs to be continuing, process for onboarding, and need consistency in reporting outcomes

Takeaways

- How Praxis is being presented
- What VPRAI should look like
- Recommendations on monitoring

IV. Report Out for Workgroup A: Risk-Based Magistrate Decision Making

Staff from the Virginia Department of Criminal Justice Services provided an update on the status of Workgroup A.

Scope

- Provide information to assist with bail determinations at magistrate level
- Implement or develop a static risk assessment at the magistrate level

Key topics

- Identify existing risk assessments and the utility of implementing
- How different assessments relate to what magistrates are already doing
- Large range between length of time to do each risk assessment model (5-40 minutes)
- Magistrates are using the current checklist (85% of responding magistrates with variation of amount of use)
- Concerns about the time required to complete form and dissemination of information
- Workgroup A is relying on Workgroups B and C for additional information to help determine scope

Discussion

- Input is key to ensure that DCJS and VCC are providing the information that people need and to ensure that nothing is being left out
- Should there be a compliance rate, showing that pretrial agencies are enforcing conditions of bail
- Why is FTA not new criminal offenses?
 - Related to previous criminal offense not current criminal offense
 - Capturing FTA's related to October initial event
 - FTA will go in FTA rate not new offenses, so that it is not double counting
- Enforcement component; with pretrial you know about the violations were you would not with a cash bond
- Work group will be formed to discuss funding formula

- How to control that the high risk defendants are more likely to be released to supervision as opposed to on recognizance; higher risk that are released to more restrictive forms of release may distort findings
 - Future study would retroactively apply VPRAI to individuals that were not on pretrial supervision
- Breakdown between secured bond and code requirement and secured bond and risk assessment
 - Can possibly address some requirements

V. Next Steps

- September 19th meeting
- Work groups will meet again
- Would like to develop some consensus points to share with Crime Commission; November 8th

Next Meeting		
Date	Time	Location
September 19, 2018	9:30 a.m.	Patrick Henry Building, Richmond, VA